

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of CenterPoint Energy's
Implementation of the Cold Weather
Rule and Reconnection Policies

THIRD PREHEARING ORDER

This matter came on for a telephone prehearing conference before Administrative Law Judge Kathleen D. Sheehy at 9:30 a.m. on February 1, 2006.

Steven H. Alpert, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, Minnesota 55101, appeared on behalf of the Residential and Small Business Utilities Division of the Office of the Attorney General (OAG-RUD).

Eric F. Swanson, Esq., Winthrop & Weinstine, PA, 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402-4269, appeared for CenterPoint Energy.

Pam Marshall, Executive Director, Energy CENTS Coalition, 823 East Seventh Street, St. Paul, MN 55106, appeared on behalf of the organization (ECC).

Bob Harding participated on behalf of Commission staff.

Based on the discussions during the prehearing conference, and all of the files and proceedings, the Administrative Law Judge makes the following:

ORDER

1. CenterPoint Energy and the OAG-RUD have reached an agreement in principle to resolve this matter, as well as the related class action litigation in U.S. District Court. The agreement is not finalized yet, but it contemplates resolution of both the penalty issues raised in this proceeding and the individualized relief requested in the federal action. It will take several weeks to reduce the agreement to writing and submit it for approval by the federal court. If it is accepted by the federal court, CenterPoint Energy and the OAG-RUD anticipate requesting that the OAH refer this matter back to the Commission for consideration of the portions of the settlement agreement pertaining to this proceeding. CenterPoint Energy and OAG-RUD have agreed to an indefinite suspension of discovery between them.

2. ECC is not a party to the federal litigation or to the settlement agreement. ECC may continue to conduct whatever discovery is required in this proceeding until further notice.

3. Another prehearing status conference will take place by telephone at 9:30 a.m. on March 15, 2006. You must call 651-284-3547 and enter code "0315" when asked for the meeting number.

Dated this 1st day of February, 2006.

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge